

BEFORE THE  
OFFICE OF ADMINISTRATIVE HEARINGS  
STATE OF CALIFORNIA

In the Matter of:

PARENT ON BEHALF OF STUDENT,

v.

CENTRAL SCHOOL DISTRICT.

OAH CASE NO. 2014080284

ORDER DENYING WITHOUT  
PREJUDICE REQUEST FOR  
CONTINUANCE

On October 1, 2014, Student filed a request with the Office of Administrative Hearings to continue the initially set dates in this matter, requesting that OAH set continued dates. On October 2, 2014, Central School District filed a non-opposition to the continuance request, but requested input on the continued dates.

A due process hearing must be conducted and a decision rendered within 45 days of receipt of the due process notice unless an extension is granted for good cause. (34 C.F.R. § 300.515(a) & (c) (2006); Ed. Code, §§ 56502, subd. (f), 56505, subd. (f)(3); Cal. Code Regs., tit. 1, § 1020.) As a result, continuances are disfavored. Good cause may include the unavailability of a party, counsel, or an essential witness due to death, illness or other excusable circumstances; substitution of an attorney when the substitution is required in the interests of justice; a party's excused inability to obtain essential testimony or other material evidence despite diligent efforts; or another significant, unanticipated change in the status of the case as a result of which the case is not ready for hearing. (See Cal. Rules of Court, rule 3.1332(c).) OAH considers all relevant facts and circumstances, including the proximity of the hearing date; previous continuances or delays; the length of continuance requested; the availability of other means to address the problem giving rise to the request; prejudice to a party or witness as a result of a continuance; the impact of granting a continuance on other pending hearings; whether trial counsel is engaged in another trial; whether the parties have stipulated to a continuance; whether the interests of justice are served by the continuance; and any other relevant fact or circumstance. (See Cal. Rules of Court, rule 3.1332(d).)

OAH has reviewed the request for good cause and considered all relevant facts and circumstances. The request is:

☒ Denied without Prejudice. All hearing dates and timelines shall proceed as calendared. Here, Student requested a continuance of the initially set hearing dates, which District does not oppose, and OAH is inclined to grant the continuance. However, the parties were not able to discuss and confer regarding new hearing dates as required by OAH. As a Prehearing Conference is scheduled in this matter for 1:00 p.m. on October 6, 2014, the parties can discuss with the assigned

Administrative Law Judge agreed upon dates for the mediation, Prehearing Conference and Due Process Hearing.

IT IS SO ORDERED.

DATE: October 3, 2014

/s/

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PETER-PAUL CASTILLO  
Administrative Law Judge  
Office of Administrative Hearings